

REMARKS

Claims 6, 8, 10, 12, 14, 16, 18, 20, 22 and 23 remain pending. The Examiner has rendered final the rejection under Section 102 which was imposed after withdrawing the application from appeal. The final rejection against all of the claims is under Section 102 based on the Oka reference (U.S. 2002/0108042).

Despite receiving a response to the argument filed 18 December 2008, Applicants still find this new rejection perplexing, in part because the appeal was from the now-withdrawn final rejection based on the combination of Dierks in view of Oka. It is not seen how, when the rejection against the independent claims 6 and 18 under Section 103 had to be withdrawn, that one of these references could be applied under Section 102. The appeal brief expressly demonstrated deficiencies in the Oka reference and applicant/appellants have yet to receive a satisfactory response to these points. It is again respectfully submitted that there is no more merit to the new ground of rejection under Section 102 than there was to the withdrawn rejections under Section 103. Applicants have continued concern that the Patent Office is presenting undue delay in allowance of the application on the basis of defective rejections. However, the following remarks are primarily directed to the Examiner's most recent response to applicants' argument.

In response to the comments provided at paragraph 6 (beginning on page 2 of the office action) the Examiner is requested to consider the following deficiencies and inconsistencies which preclude any rejection under Section 102.

In response to applicants' remarks that the method of claim 6 requires **performing a certification of the public validation key wherein, when validating,**

"only those signatures generated at a time prior to the certification of the public validation key are recognized as valid"

the final rejection again incorrectly refers to Oka at page 12 (par 193) and Figure 22 under the assertion that the above recitation (from claim 6) reads upon this prior art. Specifically, the rejection notes that the example (see pars 192 – 203 of Oka) is a series of steps 1 – 10 in ascending order. Somehow the conclusion reached is that because step 8 determines whether a signature is valid, and step 9 sends a signed certificate to the registration authority, that the terms of the above-quoted recitation are met. Yet this is not what the claim recitation requires.

Rather, the above-quoted recitation from claim 6 does not relate to step 9 (sending “a signed certificate to the registration authority”). Instead, it refers to the actual *certification of the public validation key*. That is, by way of illustration, step 5 specifies that the “signature generation instruction” is “command and message data for a certificate to be generated (see par 198); and step 6 expressly states that this same instruction is executed. Thus **the certificate is generated in step 6**. The fact that the certificate is generated in step 6 is also confirmed by step 7 which then transmits a copy to the CA server 321.

Further, it is submitted that, even if the Examiner’s reliance upon steps 7 and 8 to argue anticipation was not in error, the disclosure of Oka still would not anticipate because:

(i) step 8 does not refer to “a signature for an electronic document” but, rather, refers to a signature on a certificate; and

(ii) the reference does not at all limit validation of signatures on documents to only those generated on documents prior to the certification of the public validation key.

In fact, it should be very clear from the above remarks that the claimed invention concerns validating signatures on documents wherein the signatures are generated prior to “certification of the public validation key” while the citation from Oka refers to signatures on a certification. Clearly the signature on the certification must occur at the time the certification is generated. On the other hand, claim 6 requires that “only those signatures generated at a time prior to the certification of the public validation key are recognized as valid.” Thus the rejection is using a different signature than the signature of claim 6 in order to reject the claim. The application of steps 8 and 9 at pars [0201] and [0202] to reject claim 6 is therefore inconsistent with the requirements of the claim. Steps 7 and 8 (as well as steps 5 and 6) do not and cannot refer to the signature for an electronic document which is signed before the certification is generated. Furthermore the reference is not at all limiting in the sense of precluding generation of documents with signatures after the certification. Nor do the applicants’ preclude this possibility. Rather, claim 6 only precludes recognition of such signatures as valid. The above argument applies to claim 18 as well as it applies to claim 6.

If the Examiner disagrees, applicants **again** request that the Examiner map the language at issue in claims 6 and 18 with specific sentences or phrases of Oka so that applicants will be able to assist the Examiner by more specifically identifying errors and refuting the rejection.

Conclusion

Based on the foregoing, applicants again contend that the refusal to allow the application, after withdrawing the application from appeal, is dilatory. It significantly delays issuance of applicants' patent without justification. The Examiner has not carried the burden of clearly showing each claimed feature in the prior art, and the Oka reference does not have requisite disclosure for doing so.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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